

FEDERAL PUBLIC DEFENDER

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September 5, 2007

VIA FACSIMILE (510) 637-3327
Magistrate Judge Wayne D. Brazil
1301 Clay Street, Courtroom No. 4
Oakland, CA 94612

United States v. Jay Miller, CR 07-70391 WDB

RE: Request to continue court date from 9/6 to 9/18 for status

Dear Judge Brazil:

I am writing to ask that the above-referenced case be continued from September 6, 2007, to September 18, 2007, for status regarding the Rule 5 transfer. I have been discussing the case with the Assistant United States Attorney in New Hampshire and she has sent me relevant discovery. She will also be sending me a plea agreement within the next few days as well as the Rule 5 papers for Mr. Miller to sign. Once we work out the final terms of the plea agreement and Mr. Miller signs the request to transfer papers, the clerk in New Hampshire will send the file to this district and transfer the case. Given the fact that the parties are still working out the details, it would be more efficient to continue tomorrow's court appearance two weeks to Tuesday, September 18, 2007.

Mr. Miller is aware that he has a right to require that the case proceed in accordance with various deadlines under the Speedy Trial Act. He is willing to waive the timing of any hearings and exclude time under the Speedy Trial Act for effective preparation of counsel taking into account due diligence.

I have spoken with AUSA Stephen Corrigan and he does not object to the proposed continuance to September 18, 2007.

Sincerely,

BARRY J. PORTMAN
Federal Public Defender
/S/

JOYCE LEAVITT
Assistant Federal Public Defender

cc: Stephen Corrigan, AUSA